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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/804,219	03/19/2004	Sarita Chaudhary	058187-0109

CONFIRMATION NO. 6099

22428  
 FOLEY AND LARDNER  
 SUITE 500  
 3000 K STREET NW  
 WASHINGTON, DC 20007

## FORMALITIES LETTER



\*OC000000012865309\*

Date Mailed: 06/03/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/05/2004 EAREGAY1 00000088 190741 10804219

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 770.00 DA  
 02 FC:1051 130.00 DA  
 03 FC:1202 918.00 DA  
 04 FC:1201 172.00 DA

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu

of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1004** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1904** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1004**
  - **\$86** for **1** independent claims over 3.
  - **\$918** for **51** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Atty. Dkt. No. 058187-0109

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Sarita CHAUDHARY, et al.  
Title: Flax Seed Specific Promoters  
Appl. No.: 10/804,219  
Filing Date: 03/19/2004  
Examiner: Not yet assigned  
Art Unit: 1653

**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed June 3, 2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

[ X ] Declaration and Power of Attorney (12 pages)

Any attached specification is a copy of the specification and any amendments thereto which were filed in the U.S. Patent and Trademark Office in order to obtain a filing date for the application.

[ X ] Return Copy of Notice to File Missing Parts

[ ] Translation

[ ] Drawings

[ ] Preliminary Amendment

[ ] Claim for Convention Priority and certified copy of priority documents

☒ Information Disclosure Statement submitted with Form SB08 and 3 cited references.

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

- ☐ Extension for response filed within the first month  
☐ Extension for response filed within the second month  
☐ Extension for response filed within the third month  
☐ Extension for response filed within the fourth month  
☐ Extension for response filed within the fifth month

☒ Statement to Support Filing & Submission in Accordance with 37 C.F.R.1.821-1.825—submitted with a paper copy of the sequence list and a diskette containing the CRF version of the sequence listing.

☒ Letter of Clarification.

The filing fee is calculated below:

	Claims as Filed		Included in Basic Fee		Extra Claims		Rate		Fee Totals
Basic Fee							\$770.00		\$770.00
Total	71	-	20	=	51	x	\$18.00	=	\$918.00
Claims:									
Independents:	5	-	3	=	2	x	\$86.00	=	\$172.00
If any Multiple Dependent Claim(s) present:						+	\$290.00	=	\$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee						+	\$130.00	=	\$130.00
							SUBTOTAL:	=	\$1990.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):								=	\$0.00
							TOTAL FILING FEE:	=	\$1990.00
Difference to pay:						-	\$0.00	-	\$1990.00

☐ Check in the amount of \_\_\_\_\_ in payment of surcharge fee (37 C.F.R. § 1.16(e))

☒ Please charge Deposit Account No. 19-0741 in the amount of \$1990.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account

No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 2 August 2004

By S. A. Bent

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5404  
Facsimile: (202) 672-5399

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Sarita CHAUDHARY, et al.  
Title: Flax Seed Specific Promoters  
Appl. No.: 10/804,219  
Filing Date: 03/19/2004  
Examiner: Not yet assigned  
Art Unit: 1653

**LETTER OF CLARIFICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed June 3, 2004, in the above-identified application, applicants were instructed to pay the filing fees for the above referenced application. The notice indicates that filing fees in the amount of \$1904.00, (basic filing fee \$770.00; late oath or declaration surcharge \$130.00; excess independent claim fees \$86.00; and excess claim fee \$918.00), are required.

Applicants submit that the total filing fees due for this application are \$1990.00, (basic filing fee \$770.00; late oath or declaration surcharge \$130.00; **excess independent claim fee \$172.00**; and excess claim fee \$918.00). Applicants submit that the total number of independent claims for this application are 5, specifically, claims 1, 19, 36, 50 and 63.

In the attached transmittal of missing parts, the USPTO is instructed to charge Deposit Account No. 19-0741 in the amount of \$1990.00 for payment of the filing fees as listed above.

If any further clarification is required, the USPTO is invited to contact the undersigned directly.

Respectfully submitted,

Date 2 August 2004

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5404  
Facsimile: (202) 672-5399

By Stephen A. Bent

Stephen A. Bent  
Attorney for Applicant  
Registration No. 29,768